

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 DHA-02 IO-13 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
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R 281530Z FEB 77
FM AMCONSUL STRASBOURG
TO SECSTATE WASHDC 0997
INFO AMEMBASSY PARIS
AMEMBASSY VIENNA
AMEMBASSY BRUSSELS
AMEMBASSY NICOSIA
AMEMBASSY COPENHAGEN
AMEMBASSY BONN
AMEMBASSY DUBLIN
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY LUXEMBOURG
AMEMBASSY VALLETTA
AMEMBASSY THE HAGUE
AMEMBASSY OSLO
AMEMBASSY STOCKHOLM
AMEMBASSY BERN
AMEMBASSY ANKARA
AMEMBASSY LONDON
AMEMBASSY LISBON
AMEMBASSY ATHENS

C O N F I D E N T I A L SECTION 1 OF 2 STRASBOURG 0047

E.O. 11652: GDS
TAGS: PFOR, SHUM, CY, TU, COE.
SUBJECT: COUNCIL OF EUROPE CONSIDERATION OF CYPRIOT HUMAN
RIGHTS COMPLAINT AGAINST TURKEY.

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1. SUMMARY - ON FEBRUARY 16 AND 17, DEPUTIES OF THE COMMITTEE OF
MINISTERS OF THE COUNCIL OF EUROPE CONSIDERED THE HUMAN RIGHTS
COMMISSION REPORT CHARGING TURKEY WITH VIOLATIONS OF THE CONVENTION.
AFTER HEARING REPORTS BY THE CHIEF OF THE HUMAN RIGHTS DIRECTOR,
THE CYPRIOT AND TURKISH AMBASSADOR, THE COMMITTEE GAVE THE TURKS
A 90 DAYS DELAY TO PREPARE A REPLY. COMMITTEE HAS PLACED ITEM

ON ITS MAY AGENDA, BUT FINAL DECISION IS NOT LIKELY UNTIL JUNE OR EARLY FALL. END SUMMARY.

2. THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE MET AT DEPUTY LEVEL IN STRASBOURG FEBRUARY 16 AND 17 TO DISCUSS THE REPORT BY HUMAN RIGHTS COMMISSION CHARGING TURKEY WITH VIOLATION OF THE EUROPEAN HUMAN RIGHTS CONVENTION.

3. DEPUTIES HEARD A BRIEF REPORT BY CHIEF OF COUNCIL'S HUMAN RIGHTS DIRECTORATE, A STATEMENT BY CYPRIOT PERMANENT REPRESENTATIVE PILAVACHI AND A REPLY BY TURKISH PERMANENT REPRESENTATIVE GUNVER. GUNVER STATED THAT HE WOULD REPORT THE STATEMENT TO HIS GOVERNMENT, AND THEN REQUESTED 120 DAYS OR AT LEAST THREE MONTHS FOR HIS GOVERNMENT TO PREPARE A REPLY TO THE COMMISSION REPORT AND CYPRIOT CHARGES.

4. AFTER SOME DISCUSSION IN WHICH THE CYPRIOT AND GREEK REPRESENTATIVES PUCHED FOR A REPORT IN TWO MONTHS THE DEPUTIES VOTED 16-2 TO ACCEPT A DELAY OF THREE MONTHS. THE TURKISH REPLY WILL BE SUBMITTED MAY 17. HOWEVER, AS IT WILL BE SOME 300 PAGES LONG, THE COUNCIL OF EUROPE SECRETARIAT WILL BE UNABLE TO PREPARE TRANSLATIONS AND A SUFFICIENT NUMBER OF COPIES OF THE REPORT BEFORE MAY 23, THE DAY THE MEETING OF THE MINISTERS' DEPUTIES WILL BEGIN. IN ORDER TO GIVE MINIMUM TIME FOR STUDY IT WAS DECIDED THAT DISCUSSION OF THIS ITEM WILL NOT BEGIN UNTIL THE END OF THE WEEK AND WILL MOST PROBABLY CARRY OVER INTO JUNE.

5. IT IS UNLIKELY THAT ANY DECISION WILL BE TAKEN AT THE MAY CONFIDENTIAL

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MEETING. THE REPORT MUST BE REFERRED TO CAPITALS FOR CONSIDERATION, AND THE EARLIEST DATE AT WHICH ACTION COULD BE TAKEN WOULD BE THE JUNE MEETING OF DEPUTIES, WHICH WILL BE THEIR LAST ONE BEFORE THE SUMMER VACATION SEASON. MORE LIKELY A FINAL RECOMMENDATION BY THE COMMITTEE WILL BE DEFERRED UNTIL FALL ALTHOUGH THE GREEKS AND CYPRIOTS WILL URGE THAT THE DEPUTIES TAKE ACTION BEFORE THE SUMMER BREAK. FROM CONVERSATIONS WITH VARIOUS AMBASSADORS IN STRASBOURG IT IS CLEAR THAT THE COMMITTEE OF MINISTERS IS TAKING ITS RESPONSIBILITIES UNDER THE HUMAN RIGHTS CONVENTION VERY SERIOUSLY AND THAT WHILE IT IS WILLING TO GRANT THE TURKS TIME TO PREPARE A REPLY TO THE COMMISSION REPORT IT WILL NOT ACCEPT LONG DELAYING TACTICS. THIS IS RECOGNIZED BY TURKISH AMBASSADOR GUNVER WHO TOLD ME HE HAS ADVISED HIS GOVERNMENT THAT IT MUST EXPECT A DECISION BY THE COMMITTEE WITHIN A COMPARATIVELY SHORT PERIOD OF TIME AFTER SUBMISSION OF THE TURKISH REPLY.

6. ARTICLE 32 OF THE EUROPEAN CONVENTION PROVIDES THAT THE COMMITTEE "SHALL DECIDE BY A MAJORITY OF TWO-THIRDS OF THE

MEMBERS ENTITLED TO SIT ON THE COMMITTEE WHETHER THERE HAS BEEN A VIOLATION OF THE CONVENTION". IF A VIOLATION IS FOUND THE COMMITTEE RECOMMENDS MEASURES TO BE TAKEN AND PRESCRIBES A DELAY DURING WHICH THEY MUST BE PUT INTO EFFECT. IF THE MEASURES ARE NOT TAKEN WITHIN THE PRESCRIBED TIME THE COMMITTEE SHALL DECIDE WHAT "EFFECT SHALL BE GIVEN TO ITS ORIGINAL DECISION AND SHALL PUBLISH THE HUMAN RIGHTS COMMISSION'S REPORT".

7. THE PROBLEM FACING THE COMMITTEE IS HOW TO GIVE EFFECT TO THE COMMISSION'S REPORT WITHOUT SO ANGERING THE TURKS THAT THEY WILL ADOPT AN INTRACTABLE ATTITUDE WHICH MIGHT ADVERSELY AFFECT THE INTER-COMMUNITY TALKS IN CYPRUS OR LEAD TO TURKISH RENONCIATION OF THE HUMAN RIGHTS CONVENTION, WHILE AT THE SAME TIME SATISFYING THE CYPRIOTS, GIVING THEM AT LEAST PARTIAL REDRESS OF GRIEVANCES.

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8. PERMANENT REPRESENTATIVES HAVE BEEN URGING THE TURKS TO SHOW IN THEIR REPLY THAT THEY HAVE INSTITUED CORRECTIVE MEASURES WHICH WOULD ENABLE THE COMMITTEE OF MINISTERS PUBLICLY TO RECOGNIZE TURKISH GOOD FAITH AND THUS TO MAKE RECOMMENDATIONS WHICH THE TURKS COULD ACCEPT AS "NON-HUMILIATING". THERE IS EVIDENCE THAT THE TURKISH AUTHORITIES ARE CONSIDERING SUCH CONFIDENTIAL

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A COURSE OF ACTION. IN DESCRIBING WHAT THE TURKISH DEFENSE MIGHT BE, THE TURKISH REPRESENTATIVE TOLD ME THAT TURKISH AUTHORITIES ARE SEEKING OUT AND INTEND TO BRING TO TRIAL PERSONS HAVING COMMITTED CRIMES DURING THE TURKISH MILITARY OPERATIONS AND OCCUPATION OF PART OF CYPRUS AND THAT THIS WOULD BE REFERRED TO IN THE TURKISH REPLY. HE ADDED THAT IN THE COURSE OF MILITARY OPERATIONS AND OCCUPATION OF A TERRITORY IT IS INEVITABLE THAT EXCESSES TAKE PLACE, BUT IT IS RIDICULOUS TO CONSIDER THIS TURKISH GOVERNMENT POLICY. HOWEVER, HE CONTINUED THAT ALTHOUGH VIOLATIONS OF HUMAN RIGHTS MAY HAVE OCCURED THEY MUST BE VIEWED IN THE LIGHT OF GREEK CYPRIOT AGGRESSION AGAINST THE TURKISH COMMUNITY SINCE THE ISLAND BECAME INDEPENDENT. IT WAS THE EVER INCREASING LEVEL OF AGRESSION BY THE GREEK CYPRIOTS AGAINST THEIR TURKISH COUNTRYMENT, CULMINATING IN THE COUP D'ETAT BY SAMPSON WHICH FINALLY FORCED THE TURKS TO INTERVENE. THE TURKISH REPLY WILL GIVE AMPLE COVERAGE TO THIS PERIOD HE SAID. CONTINUING, THE AMBASSADOR EXPRESSED THE HOPE THAT THE COMMITTEE WOULD NOT FURTHER ISOLATE TURKEY FROM THE WEST AND HUMILIATE "ITS PROUD AND GLORIOUS ARMY" ALREADY HUMILIATED AND SEVERELY HAMPERED FROM ACCOMPLISHING ITS MISSION OF DEFENSE OF THE WEST BY THE UNJUST DENIAL TO IT OF WEAPONS AND SPARE PARTS BY THE UNITED STATES. A HARSH FINDING BY THE COMMISSION COULD, HE ADDED, ENCOURAGE EXTREMIST ELEMENTS HOSTILE TO THE WEST, AND WOULD HAVE A NEGATIVE EFFECT ON THE TALDS IN CYPRUS WHICH ARE OFF TO A FAIRLY GOOD START.

9. THUS THE TURKISH DEFENSE APPEARS TO BE AS FOLLOWS - PLAY FOR TIME, STRESS EVENTS LEADING UP TO TURKISH INTERVENTION IN CYPRUS, EMPHASIZE EFFORTS BY TURKISH AUTHORITIES TO FIND AND PUNISH PERSONS HAVING VIOLATED HUMAN RIGHTS AND THREATEN OMNIOUS BUT UNDISCLOSED ACTIONS IF THE COMMITTEE'S FINDINGS ARE UNACCEPTABLE. THE TURKISH ATTITUDE HAS HAD AN APPRECIABLE EFFECT ON THE COMMITTEE MEMBERS HAND MOST PROBABLY THEIR GOVERNMENTS. A NUMBER OF REPRESENTATIVES WANT TO TAKE NO ACTION WHICH WOULD UPSET THE INTERCOMMUNAL TALKS, WHICH THEY BELIEVE ARE THE BEST HOPE IN THE LONGTERM FOR THE REDRESS OF CONFIDENTIAL

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GRIEVANCES OF GREEK CYPRIOTS OR WHICH MIGHT CAUSE THE TURKS TO RECOUNCE THE HUMAN RIGHTS CONVENTION. IN GIVING THE TURKS AMPLE TIME TO PREPARE THEIR DEFENSE AND IN DELAYING ANY DECISION AT LEAST UNTIL JUNE OR THE FALL THEY HOPE THAT TALDS IN CYPRUS WILL PROGRESS TO A POINT WHICH COULD BE TAKEN AS A CLEAR INDICATOR OF TURKISH WILLINGNESS TO REDRESS PAST GRIEVANCES. THE COMMITTEE COULD THEN MAKE MINIMAL RECOMMENDATIONS TO TURKEY.

10 THE FOREGOING IS NOT OF COURSE THE ATTITUDE OF CYPRIOTS AND GREEKS. THEY ARGUE THAT THE TURKS HAVING HAD THE COMMISSION REPORT SINCE LAST AUGUST HAVE HAD PLENTY OF TIME TO PREPARE A DEFENSE AND THAT VIOLATIONS OF HUMAN RIGHTS ARE CONTINUING, SINCE THOUSAND OF PEOPLE HAVE LOST THEIR PROPERTY AND CANNOT RETURN TO THEIR HOMES. IF THE CONVENTION IS WORTH ANYTHING SOME ACTION MUST BE TAKEN NOW SOME THREE YEARS AFTER THE ORIGINAL COMPLAINT. THE GREEKS ARE UNDER NO ILLUSIONS THAT THE COMMITTEE CAN TAKE STRONG MEASURES AGAINST THE TURKS. IN FACT THE GREEK REPRESENTATIVE IS AT PAINS TO POINT OUT THE HUMAN RIGHTS CONVENTION HAS NO "PUNITIVE" CHARACTERISTICS. ITS OBJECTIVE HE STRESSES IS TO PROTECT HUMAN RIGHTS AND IN CASE OF VIOLATION BY A MEMBER STATE TO ASSURE A REDRESS OF GRIEVANCES. WHAT THE GREEKS (AND PRESUMABLY THE CYPRIOTS) WANT IS AN IMMEDIATE MORAL SANCION BY THE COUNCIL AGAINST THE TURKS. THIS ARGUMENTATION ALSO IS NOT WITHOUT INFLUENCE ON COUNCIL MEMBERS PARTICULARLY THE SCANDINAVIANS. THE COMMITTEE OF MINISTERS MUST THEREFORE FIND A SOLUTION WHICH WILL GIVE EFFECT TO THE CONVENTION OF HUMAN RIGHTS WHILE AT THE SAME TIME KEEPING THE POLITICAL CONSEQUENCES OF ITS DECISION WITHIN ACCEPTABLE LIMITS.
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Message Attributes

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